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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/092,178  
Filing Date: March 05, 2002  
Appellant(s): POO ET AL.

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Warren S. Heit  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 5/15/2009 appealing from the Office action mailed 3/2/2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

None

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is deficient. 37 CFR 41.37(c)(1)(v) requires the summary of claimed subject matter to include: (1) a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters and (2) for each independent claim involved in the appeal and for each dependent claim argued separately, every

means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters. The brief is deficient because (a) the claimed subject matter "a flat surface" is not shown; Fig. 2A can't clearly describe that the host platform 195 is lied on a flat surface, on a user's lap, a tilted surface, or up in the air held by a bracket or string which may be now shown in addition to a keyboard, a display, etc., (b) the claimed subject matter "between 1 and 1.5", "between 3.5 and 4" is not shown; Figs. 2 and 2A only show a single value (i.e.,  $26 \text{ mm} / 18 \text{ mm} = 1.44$ ) to satisfy the claimed subject matter "between 1 and 1.5 times" but fail to support having other values (such as 1.01, 1.22, etc.) to satisfy the claimed subject matter "between 1 and 1.5", (c) the claimed subject matter "a space between the body of the portable camera device and the flat surface" is not shown; for this, Appellant does not provide a measured value of the space if exists in contrast to providing the measured values (26 mm, 18 mm) above, and (d) the claimed subject matter "direct plugging into a notebook computer without

having to elevate the keyboard section from the flat surface" is not shown.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

US 6,992,721 B1	KAMBAYASI et al.	1-2006
US 6,753,921 B1	SHIMIZU	6-2004
US 2003/0122839 A1	MATRASZEK et al.	7-2003
JP 2002-232769 (Japanese patent publication)	GOTANDA	8-2002
JP 11-053060 (Japanese patent publication)	TOSAKA	2-1999

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 15-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim limitation, such as "a notebook

computer sitting on a flat surface without having to elevate the keyboard section from the flat surface", "the width of the housing is between 1 and 1.5 times the width of said USB plug", "the length of the housing is between 3.5 and 4 times the length of said USB plug", "said housing comprises 2 sets of substantially parallel faces substantially orthogonal to each other", "a notebook computer sitting on a flat surface such that there is a space between the body of the portable camera device and the flat surface", is not described in the specification.

2. Claims 1-4, 9, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotanda [JP 2002-232769A] in view of Tosaka [JP 11-53060].

As to claim 1, Gotanda teaches a portable camera device [digital camera 2 in fig. 1] capable of operation with a host platform [personal computer 72], the portable camera device comprising:

- a housing;

- a USB connector [e.g., USB connector 31 in fig. 2] integrally adapted to the housing of the portable camera device to facilitate coupling of the portable camera device via the USB connector to a USB socket of the host platform;

- a non-volatile memory [memory card 15 in figs. 1 and 4] in communication with said USB connector;

- a digital camera, integrally formed with said non-volatile memory, for capturing image and/or audio information, said non-volatile memory capable of storing [paragraph 0018] said image and/or audio information; and

a microprocessor [CPU 48 in fig. 4] for at least in part formatting said image and/or audio information in a standard image and/or audio file format [e.g., JPEG in paragraph 0027] compatible with the host platform.

As to claim 12, Gotanda teaches a method of capturing image and/or audio information and uploading the image and/or audio information to a host platform, comprising the steps of:

(a) capturing image and/or audio information using a portable camera device [digital camera 2 in fig. 1] having a housing and a USB connector [e.g., USB connector 31 in fig. 2] adapted to the housing to facilitate coupling of the portable camera device via the USB connector [e.g., USB connector 31 in fig. 2] to a USB socket of the host platform;

(b) digitizing [paragraph 0025] said image and/or audio data captured in said step (a);

(c) processing [paragraph 0027] said image and/or audio data digitized in said step (b) into a form [e.g., JPEG] compatible with the host platform; and

(d) uploading [paragraph 0027] said image and/or audio data from the portable camera device to the host platform via a coupling of the USB connector to a USB socket of the host platform.

However, Gotanda does not teach the USB connector being a USB plug to facilitate direct coupling to the host platform; rather, Gotanda teaches indirect coupling to the host platform using a cable [paragraph 0029]. Tosaka teaches a portable camera device [camera 2 in fig. 1] having a USB plug integrally adapted to the housing of the

portable camera device to facilitate not only direct coupling [fig. 1] but also indirect coupling [fig. 4] of the portable camera device via the USB connector to a USB socket of the host platform [personal computer]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gotanda and Tosaka because they both teach both teach a portable digital camera and a host platform connected through a USB interface transferring digital image therebetween and the Tosaka's further teaching of the USB connection can be made directly without a cable would increase in the connectability at the time of the camera use are obtained [Tosaka: paragraph 0017, abstract].

3. As to claim 2, Gotanda teaches a non-volatile memory comprising a flash memory [memory card 15].
4. As to claim 3, Tosaka teaches said USB plug capable of coupling a USB port of the host platform [fig. 1].
5. As to claim 4, Gotanda teaches said standard image and/or audio file format comprising a JPEG file format [JPEG in paragraph 0027].
6. As to claim 9, Gotanda teaches a power source for providing power to components of the portable camera device [fig. 1].
7. As to claim 13, Gotanda teaches storing said image and/or audio data in a volatile memory [video memory 59, buffer memory 60 in fig. 4].
8. Claims 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotanda [JP 2002-232769A] in view of Tosaka [JP 11-53060] and further in view of Kambayashi et al. [US 6,992,721 B1].



As to claims 15 and 19, Gotanda teaches a portable camera device [digital camera 2 in fig. 1] capable of operation with a host platform [personal computer 72], the portable camera device comprising:

- a housing;

- a USB connector [e.g., USB connector 31 in fig. 2] integrally adapted to the housing of the portable camera device to facilitate coupling of the portable camera device via the USB connector to a USB socket of the host platform;

- a non-volatile memory [memory card 15 in figs. 1 and 4] in communication with said USB connector;

- a digital camera, integrally formed with said non-volatile memory, for capturing image and/or audio information, said non-volatile memory capable of storing [paragraph 0018] said image and/or audio information; and

- a microprocessor [CPU 48 in fig. 4] for at least in part formatting said image and/or audio information in a standard image and/or audio file format [e.g., JPEG in paragraph 0027] compatible with the host platform.

However, Gotanda does not teach the USB connector being a USB plug to facilitate direct coupling to the host platform; rather, Gotanda teaches indirect coupling to the host platform using a cable [paragraph 0029]. Tosaka teaches a portable camera device [camera 2 in fig. 1] having a USB plug integrally adapted to the housing of the portable camera device to facilitate not only direct coupling [fig. 1] but also indirect coupling [fig. 4] of the portable camera device via the USB connector to a USB socket of the host platform [personal computer]. Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to combine the teachings of Gotanda and Tosaka because they both teach both teach a portable digital camera and a host platform connected through a USB interface transferring digital image therebetween and the Tosaka's further teaching of the USB connection can be made directly without a cable would increase in the connectability at the time of the camera use are obtained [Tosaka: paragraph 0017, abstract].

Though Tosaka further teaches a housing of the portable camera device and the USB plug are configured such that the portable camera device is capable of being directly plugged into a USB port located on the side of the keyboard section [left lateral section 3d, right lateral section 3e of a notebook computer 1 in fig. 2] of a notebook computer sitting on a flat surface, the combination of Gotanda and Tosaka does not expressly disclose the directly plugging without having to elevate the keyboard section from the flat surface or the directly plugging having a space between the body of the portable camera device and the flat surface. Kambayashi et al teach a portable camera is capable of being directly plugged [figs. 1-3] into a USB port located on the side of the keyboard section of a notebook computer without having to elevate the keyboard section from the flat surface or the directly plugging having a space between the body of the portable camera device and the flat surface. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify to implement the teaching of the directly plugging without having to elevate the keyboard section from the flat surface or the directly plugging having a space between the body of the portable camera device and the flat surface into the directly plugging of the

combination of Gotanda and Tosaka in order to reduce the stress of the direct plugging as taught by Kambayashi et al [abstract].

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gotanda and Tosaka as applied to claim 1 above, and further in view of Shimizu [US 6,753,921 B1].

As to claim 8, Gotanda and Tosaka do not explicitly disclose a power supply circuit for receiving power from the host platform and providing said power to components of the portable camera device. Shimizu teaches [col. 1, line 62-col. 2, line 9] a portable digital camera for coupling and communicating to a host platform has a power supply circuit for receiving power from the host platform and providing said power to components of the portable camera device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a power supply circuit for receiving power from the host platform and providing said power to components of the portable camera in order to increase simplicity by not requiring a DC adapter connection [col. 1, line 31-38 of Shimizu; fig. 4 of Gotanda].

10. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotanda and Tosaka as applied to claim 1 above, and further in view of well-known in the art.

As to claims 5-7, though Gotanda and Tosaka show that one standard image and/or audio file format as an example for storing in the non-volatile memory device, Gotanda and Tosaka do not expressly show the example includes a GIF, a PICT II, or an MPEG file format for storing in the non-volatile memory device of the portable digital

camera device. However, a portable digital camera device having a non-volatile memory device for storing image data prevalently using a well known form of a GIF, a PICT II, or an MPEG file format is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a GIF, a PICT II, or an MPEG file format in the one standard image and/or audio file format in order to increase flexibility in adapting a prevalent different well known file format.

11. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matraszek et al [US 2003/0122839 A1] in view of Tosaka [JP 11-53060].

As to claim 14, Matraszek et al teach a method of authenticating an operator seeking access to information [e.g., images, metadata (personal affective information)] on a storage medium [e.g., hard drive 20, database 44], comprising the steps of:

(a) capturing [e.g., "In block 114, ... video camera 4 is used in conjunction with face recognition software to automatically determine the user, and provide an appropriate user identifier, such as their name or personal identification code" in paragraph 0067] via a digital camera [video camera 4], said digital camera having a housing and a USB connector integrally adapted to the housing to facilitate coupling of the digital camera via the USB connector to a USB socket of a host platform [USB interface, home computer 10 in paragraph 0054];

(b) comparing [e.g., "face recognition software to automatically determine the user, and provide an appropriate user identifier, such as their name or personal identification code" in paragraph 0067] at least portions of said image and/or audio

identification data against a template ["video camera captures video images of the face of the user and stores this video information on the hard drive storage 20" in paragraph 0054, personal affective tags for a plurality of users in fig. 4B] stored in a memory; and

(c) allowing access to the information [e.g., "retrieve the appropriate personal affective information for the user", "the retrieval user initiates the image retrieval and utilization process", "the affective information is used determine the order of presentation of the retrieved images" in paragraphs 0095, 0096, 0097] if the image and/or audio identification data matches [matches with the retrieval user among a plurality of users] the stored template upon comparison in said step (b).

However, Matraszek et al do not teach the USB connector being a USB plug to facilitate direct coupling to the host platform; rather, Matraszek et al teach indirect coupling to the host platform using a cable [paragraph 0054]. Tosaka teaches a digital camera [camera 2 in fig. 1] having a housing and a USB plug integrally adapted to the housing to facilitate not only direct coupling [fig. 1] but also indirect coupling [fig. 4] of the digital camera via the USB connector to a USB socket of the host platform [personal computer]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Matraszek et al and Tosaka because they both teach a digital camera coupling to a USB socket of a host platform and the Tosaka's further teaching of a digital camera having a USB plug integrally adapted to the housing of the digital camera to facilitate direct coupling of the digital camera via the USB plug to a USB socket of the host platform without using a USB cable would increase flexibility in connectivity [abstract of Tosaka] to the host platform.

**(10) Response to Argument**

The Examiner summarizes the various points raised by the Appellants and addresses replies individually.

a. *Regarding 35 USC 112 first paragraph as failing to comply with the written description requirement, Appellant alleges that Fig. 2A clearly shows the support for the claimed subject matter of newly added claims (claims 15-22) by quoting "While there is no in haec verba requirement, newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure (MPEP 2163 (I)(B))" [page 11, lines 1-3 of Appeal Brief].*

The Examiner disagrees. The Examiner believes that the 'specification' quoted above is the original specification. However, the Fig. 2A is not originally filed and lately filed (9/27/2004). Thus, the newly added claims can't be supported by the Fig. 2A.

b. *Regarding 35 USC 112 first paragraph as failing to comply with the written description requirement, Appellant alleges that Fig. 2 supports the claimed subject matter, such as "the width of said housing is between 1 and 1.5 times the width of said USB plug" and "the length of said housing is between 3.5 and 4 times the length of said USB plug" because of 18 mm and 26 mm for the widths of said housing and USB plug respectively and 22 mm and 80 mm for the lengths of said housing and said USB plug respectively by quoting "Particularly, drawings alone can be sufficient to provide the written description of the invention" [page 11, lines 4-5, page 12, lines 12-19, and page 13, lines 4-17 of Appeal Brief].*

The Examiner strongly disagrees for following reasons:

i) the drawings Figs 2 and 2A on which the Appellant desperately relies are only showing one single value which is fixed and calculated from a ratio of the two widths and/or a ratio value of the two lengths; nowhere in the drawing/specification supports that the single ratio value has a range value (such as "between 1 and 1.5", "between 3.5 and 4") or is variable to support the claimed subject matter above:

ii) the drawings are neither actual sized nor accurate since the actual USB plug is 12 mm width x 4.5 mm thick (2.67:1 or 1:0.375 ratio) according to the USB specification; however, the thickness of the USB connector 118 shows much thicker compared to the width in the prospective drawing Fig. 2; thus, the drawings are not accurate in relative dimension to support the claimed subject matter: and

iii) the drawings are not accurate since the width of the actual USB plug is 12 mm according to the USB specification as measured 18 mm by appellant from the drawing, the actual length of the housing proportionally would be calculated to 53 mm ( $80 \text{ mm} \times 12/18$ ) and the a width of the notebook computer shown in Fig. 2A approximately 3.2 times longer ( $63 \text{ mm}/20 \text{ mm}$ ) would be calculated to 170 mm ( $53 \text{ mm} \times 3.2$ ); one of ordinary skill in the art hardly believes that such a small notebook computer having 170 mm in length is exist at the time of the invention; thus, the drawings are not accurate in relative dimension to support the claimed subject matter.

c. *Regarding 35 USC 112 first paragraph as failing to comply with the written description requirement, Appellant alleges that there is the support for the claimed subject matter, such as "directly plugged ... without having to elevate the keyboard*

*section from the flat surface" because the width of housing is between 1 and 1.5 times of the width of the USB plug 118 and the size of the housing relative to the size of the USB plug 118 shows that the portable camera device 170 is sized such that it can be plugged into the notebook computer without having to elevate the keyboard section of the notebook from a flat surface and "there is a space between the body of the portable camera device and the flat surface" because Fig. 2A clearly shows the space, by quoting "Particularly, drawings alone can be sufficient to provide the written description of the invention" [page 11, lines 4-5 and page 11, line 16- page 12, line 3 of Appeal Brief].*

The Examiner respectfully disagrees. Appellant merely alleges the support without supplying any sensible reason. Even though Fig. 2A is not originally filed and drawings Figs. 2 and 2A are not accurate in relative dimension as discussed above, the Appellant desperately relies on the drawings. Fig 2A shows that the portable camera device 170 plugged into the lateral section of the host platform 195 is not centered in height of the lateral section and is located much lower from the center of the lateral section such that the bottom edge line of the lateral section seems to meet the edge line of the body of the portable camera device 170; in short, the body of the portable camera device 170 almost or definitely touches the flat surface while assuming that the notebook computer lies on a flat surface not on the lap of a user. In addition, the portable camera device 170 in Fig. 2A connected to the notebook computer is slantingly slightly tilted towards the flat surface, one of ordinary skill in the art sees that a user would/should slightly lift or elevate the lateral section of the host platform 195 in order to



naturally plug the portable camera device 195 into the host platform 195. Thus, there is no support for a direct plug without elevating the host platform; and there is no support for a space between the body of the portable camera device and the flat surface.

d. *Appellant alleges that the Examiner states in the Office Action that a USB 31 of Gotanda teaches the USB plug recited by claims 15 and 19 [page 14, lines 5-14 of Appeal Brief].*

The Examiner does not state that the USB 31 of Gotanda teaches the USB plug recited by claims 15 and 19 [see the rejection above].

e. *Appellant alleges that the CPU 48 of Gotanda is the CPU of the digital camera 2, not a microprocessor that is separate from the digital camera as recited in claims; Gotanda does not teach or disclose the microprocessor recited in claims because the CPU 48 of Gotanda is the CPU of the digital camera 2, not a microprocessor that is separate from the digital camera as recited in claims [page 16, lines 13-16 and page 20, lines 16-19 of Appeal Brief].*

The Examiner respectfully disagrees. Gotanda teaches a digital camera [such as lens 13, CCD (Charge-coupled Device) 51, CDS (correlation duplex sampling) 53, AMP 54, image input controller 58 in fig. 4] for capturing image data; the digital camera is clearly separate from a microprocessor [such as CPU 48, picture processing circuit 65, or compression extension processing circuit 66 in fig. 4].

f. *The Appellants allege that Tosaka does not teach direct connecting a USB plug of a camera device to a host computer because Fig. 1 and paragraph 0009 of Tosaka*

*do not show a USB interface to connect the camera 2 and the notebook computer 1 [page 16, line 19-page 17, line 5, page 20, line 22-page 21, line 8, and page 23, lines 13-22 of Appeal Brief].*

The examiner disagrees with Appellant's not reading as a whole but reading only a irrelevant portion of the Tosaka reference. Tosaka discloses in Abstract, "camera unit can be attached to and detached from the connector directly without any cable [fig. 1] and further connected even by a cable [fig. 4]. As the interface of the camera, USB is employed and other USB peripheral equipment [fig. 3] can be connected." For the camera connection, the USB interface [USB socket] on the computer would be located at display top section 3a, display lateral sections 3b and 3c, and keyboard lateral sections 3d and 3e [fig. 2]. Thus, Tosaka teaches a USB socket 3a-3e of the notebook computer facilitates direct connection of the camera.

**g.** *The Appellants allege that Kambayashi does not teach i) a portable camera device capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer sitting on a flat surface such that there is a space between the body of the portable camera device and the flat surface and ii) similarly, does not teach a portable camera device capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer sitting on a flat surface without having to elevate the keyboard section from the flat surface because the stand 270 teaches away from a portable camera device that is not supported by a stand [page 18 of Appeal Brief].*

The Examiner respectfully traverses. The stand 270 of Kambayashi is adjustable in height in order to accommodate variations of the height among the kinds of the notebook computer [col. 6, lines 50-54]. If the stands 270 of the portable camera are retracted towards the anchor 210, there should be a space between the flat surface and the portable camera when the portable camera can be directly plugged into the notebook computer. If the stands 270 of the camera are retracted towards the anchor 210, with the space, the portable camera can be directly plugged into the notebook computer without having to elevate the keyboard section from the flat surface. Thus, Gotanda, Tosaka, and Kambayashi, alone or in combination teach all the elements of claims 15 and 19.

*h. The Appellants further allege that Matraszek does not teach comparing a captured image of the user's face to a template stored in memory to allow to access information on a storage medium if the captured image matches the template [page 23, lines 1-5 of Appeal Brief].*

The Examiner respectfully traverses. Matraszek teaches that the home computer 10 captures video images of the face of the user 2 using the video camera 4 connected via a USB interface and stores this video information on the hard drive storage 20 [paragraph 0054]; when the user "logs on" to the computer, this video information is used by the face recognition software to automatically determine the user viewed through the video camera 4 [paragraph 0067] in order to log on to the computer and to retrieve images or the appropriate personal affective information stored on the hard drive 20 in the order specific to the particular user among a plurality of users

[paragraphs 0095, 0087, 0097, 0090, fig. 4C]. The computer captures a current user through the video camera to get logged on, and compares the video information of the current user with the video image captured and stored previously in order to identify the particular user corresponding to the current user for the image retrieval sorted specific to the particular user.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Ilwoo Park/  
Primary Examiner, Art Unit 2182  
August 27, 2009

Conferees:

/Manorama Padmanabhan/  
Quality Assurance Specialist, TC2100, WG2180

/Tariq Hafiz/  
Supervisory Patent Examiner, Art Unit 2182